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PATENT  
ATTORNEY DOCKET NO.: 041465-5114-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Atsushi YAMAGUCHI et al. ) Confirmation No.: 5132  
Application No.: 10/730,981 ) Group Art Unit: 2655  
Filed: December 10, 2003 ) Examiner: Unassigned  
For: OPTICAL RECORDING MEDIUM, )  
OPTICAL RECORDING MEDIUM )  
PRODUCING APPARATUS AND )  
OPTICAL RECORDING MEDIUM )  
PRODUCING METHOD )

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Accordingly, Applicants do not believe that a fee is due for filing this paper.

Applicants are submitting a partial translation of the JP10-172149 document previously cited in the Information Disclosure Statement ("IDS") previously filed in this application on April 9, 2004. Applicants note that the version of the concurrently-filed partial translation for

the JP10-172149 document has been revised in light of some translation errors discovered by Applicants in the version of the partial translation of that document which was filed on April 9, 2004. An Appendix is attached to the concurrently-filed revised translation of JP10-172149 indicating the changes from the previous version of this partial translation, as filed on April 9, 2004.

Consideration of the enclosed translation in light of the previously cited documentation is respectfully requested. Copies of the listed documents are attached.

The remaining two foreign documents listed on the attached PTO Form 1449 were previously cited by the Examiner in a PTO-892 Form attached to the Notice of Allowance dated May 25, 2004 in the instant application's parent application no. 09/911,424, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Thus, under 37 C.F.R. § 1.98(d), a copy of these listed foreign documents are not required to be provided herewith.

Applicants request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that any of the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should the document be applied against the claims of the present application.

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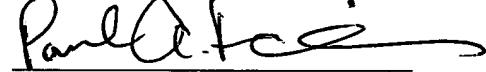
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**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Paul A. Fournier  
Reg. No. 41,023

Dated: June 7, 2004

**Customer No. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

By:

